

SAMUEL & STEIN

ATTORNEYS AT LAW

38 WEST 32ND STREET, SUITE 1110, NEW YORK, NY 10001

PHONE: (212) 563-9884 | FAX: (212) 563-9870 | WEBSITE: www.samuelandstein.com

DAVID STEIN
dstein@samuelandstein.com

August 18, 2020

ADMITTED IN
NY, NJ, PA, IL, DC

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

The parties are directed to appear for a telephone conference on August 24, 2020 at 10:00 a.m., using the following dial-in: telephone #: 888-363-4749; access code: 2682448. The conference scheduled for September 4, 2020 is adjourned sine die.

SO ORDERED:


HON. VERNON S. BRODERICK 8/19/2020
UNITED STATES DISTRICT JUDGE

Re: Molina and Vazquez v. Glaze 4th Ave LLC, et al.
Docket No. 18-cv-12225 (VSB)

Dear Judge Broderick:

We represent plaintiffs in the above-referenced matter and write with respect to a discovery issue in the above-referenced matter. As the Court may recall, what remained in this case was for the parties to each take depositions. Defendants had previously taken two of the three plaintiffs' depositions, and are scheduled to take the remaining plaintiff's deposition this Thursday.

However, we have been unable to take defendants' depositions — despite timely noticing them for the second time in this case — because defendants have refused to appear. Defendants would not appear because either they or their counsel — it is not clear which — have stated that they will not participate in in-person depositions, and are only willing to appear remotely.

Given the crucial role we believe that defendants' depositions are going to play in this case, plaintiffs do not feel that remote depositions are a satisfactory substitute for live depositions. We are of course cognizant of coronavirus, but we have safely participated in live depositions in other cases in recent weeks and our court reporting service has adequate protocols in place to keep the participants safe.

However, when we explained that to defendants, they remained steadfast in their position, and advised us that we would need to contact the Court for an order if we wished to compel their appearance. We therefore respectfully request that the Court resolve this disagreement, so that discovery in this case can be wrapped up. (The parties agree that one day should be sufficient to depose the defendants; nevertheless, depending on defendants' schedule, we might need a brief extension of the discovery period for the sole purpose of taking their depositions once the Court provides guidance as to how to proceed.)

Hon. Vernon S. Broderick

August 18, 2020

Page 2 of 2

We thank the Court for its attention to this matter and are available at Your Honor's convenience in the event that there are any questions regarding the foregoing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Stein", is positioned above the printed name.

David Stein

cc: Michelle Arbitrio, Esq. (via ECF)